

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 24-62 are pending in this application. Claim 43 is amended and new Claims 44-62 are added by the present amendment. Support for the amendments is found in the Applicant's specification at least at page 6, lines 4-11. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, the replacement drawing sheet of Figure 2 submitted on June 10, 2004 was objected to; the Abstract was objected to; Claims 22-28, 30, 32, 33, 39, and 43 were rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu et al. (U.S. Patent No. 6,542,758, herein "Chennakeshu") in view of Raith (U.S. Patent No. 6,493,550); Claims 29 and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu in view of Raith, as applied to Claims 24 and 30, and further in view of Chen et al. (U.S. Patent No. 5,751,719, herein "Chen"); Claims 34-36 were rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu in view of Raith, as applied to Claim 32, and further in view of Witkowski et al. (U.S. Patent Application Publication No. 2002/0197955, herein "Witkowski"); Claims 37, 38, 41, and 42 were rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu in view of Raith, and further in view of Witkowski, as applied to Claims 34 and 36, and even further view of Levi (U.S. Patent No. 5,678,200); Claim 40 was rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu in view of Raith, as applied to Claim 39, and further in view of Garnault (U.S. Patent No. 5,929,769); and Claims 24-28, 30, 32, 33, 39, and 43 were rejected under 35 U.S.C. §103(a) as unpatentable over Chennakeshu in view of Lappe (U.S. Patent Application Publication No. 2001/0021640).

In response to the objection to the replacement drawing sheet of Figure 2 submitted on June 10, 2004, that objection is traversed. The specification is amended at page 14, line 22 to recite "a battery 6a" instead of "a battery 61" to be consistent with the replacement drawing sheet of Figure 2.

Therefore, Applicant respectfully requests that the objection to the replacement drawing sheet of Figure 2 previously submitted on June 10, 2004, be withdrawn.

In response to the objection to the Abstract, the Abstract is amended to clarify the claimed invention, written on a separate sheet, and to delete the numbers referencing the figures.

Therefore, Applicant respectfully requests that the objection to the Abstract be withdrawn.

Before turning to the outstanding art rejections, a brief review of the claimed invention is believed to be useful. Claim 24 recites a mobile communication terminal wherein "the connection control section starts a connection procedure with the car mounted electronic device by transmitting a response signal that includes attribute information of the mobile communication terminal to the car mounted electronic device when a paging signal transmitted from the car mounted electronic device to determine presence of a mobile communication terminal within a radio area of the car mounted electronic device is detected, and sets communication mode in a hands-free mode automatically if the connection procedure is completed." Claim 30 recites a car mounted electronic device wherein "the connection control section transmits a paging signal periodically via the radio interface to determine presence of a mobile communication terminal within a radio area of the car mounted electronic device and establishes connection automatically with the mobile communication terminal when a response signal that includes attribute information of the mobile communication terminal is received from the mobile communication terminal."

Amended Claim 43 recites a system including features similar to both the mobile communication terminal of Claim 24 and the car mounted electronic device of Claim 30 discussed above.

New Claim 44 recites a mobile communication terminal including “an information transfer section configured to transmit a control signal to the car mounted electronic device, wherein the control signal includes a restraining command instructing the car mounted electronic device to restrain an output specific to the car mounted electronic device.” New Claim 50 recites a car mounted electronic device including “a mute control section configured to restrain an output of information specific to the car mounted electronic device based on a restraining command received from the mobile communication terminal.”

In regard to the rejection of Claims 24, 30, and 43 under 35 U.S.C. §103(a) as unpatentable over either Chennakeshu in view of Raith and/or Chennakeshu in view of Lappe, Applicant respectfully traverses those rejections for the following reasons.

Chennakeshu describes a distributed radio telephone for use in a vehicle including a control unit 40 and a hand-held telephone 100.¹ In Chennakeshu, however, the hand-held telephone 100 transmits signals, and when the control unit 40 detects them, the hands-free mode is established. In this point, Chennakeshu is different fundamentally from the present invention.

Since the hand-held telephone 100 of Chennakeshu transmits signals, the power of its battery is used for transmission of the signals, and the life of the battery of the hand-held telephone 100 is inevitably short. In contrast, in the invention claimed in Claims 24, 30, and 43, it is not the mobile communication terminal but the *car mounted electronic device* that transmits signals. In the present invention, therefore, the power consumption by the mobile communication terminal can be remarkably reduced.

¹See Chennakeshu, column 6, lines 4-43 and Figures 5 and 6.

Raith discloses a mobile station 350 connectable to both a public cellular system 300 and a private cellular system 310.² When the mobile station 350 receives and responds to signals (“inquiries”) transmitted from the private cellular system, it switches its connection from the public cellular system to the private cellular system. The outstanding Office Action cited the “inquiry” signals as equivalent to the paging signals which the car mounted electronic device transmits periodically.³ However, the “inquiry” signals are incoming call signals notifying the mobile station 350 of the reception of an incoming call; the “inquiry” signals differ distinctly from *paging signals* in response to which the mobile communication terminal is switched into the hands-free mode, as recited in Claims 24 and 30.

In Raith, the mobile station 350 switches its connection from the public cellular system to the private cellular system for the express purpose of reducing the communication expense. In Raith, therefore, the mobile station 350 is registered in the power down state with reference to the public cellular system (“power down registration”). In other words, what Raith discloses is a technology for preventing the mobile station 350 from being connected to the public cellular system. In sharp contrast to this, the hand-held telephone 100 of Chennakeshu is connected to the public cellular system through the car mounted electronic device. In Chennakeshu, the connection of the hand-held telephone 100 to the public cellular system is maintained. Accordingly, it is respectfully submitted that Raith does not cure the deficiencies of Chennakeshu as described above with respect to independent Claims 24 and 30.

As can be seen from the foregoing, Chennakeshu and Raith are intended to attain entirely different purposes. Therefore, there is no motivation to combine these references. Accordingly, the invention recited in Claims 24 and 30 cannot be made on the basis of the references.

²See Raith, column 4, line 63 to column 6, line 16 and Figure 3.

³See outstanding Office Action, page 6, lines 14-19

Further, since the system of amended independent Claim 43 includes the features of both Claims 24 and 30, Applicant respectfully submits that the cited references also fail to teach or suggest the features of amended independent Claim 43.

Lappe is directed to a motor vehicle wireless telephone system including a wireless telephone, and a vehicle equipped with a transceiver for communication with a radio network over a wireless communication channel.⁴

No portion of any of Chennakeshu, Raith, or Lappe is cited in the outstanding Office Action as evidence of a suggestion or motivation to combine the references in the proposed combinations. Accordingly, it is respectfully submitted that there is no reasonable suggestion or motivation to modify Chennakeshu with Raith or Chennakeshu with Lappe, just the Examiner's subjective conclusion that it would have been obvious to make the proposed combinations "for the purpose of allowing automatic link establishment between the car mounted electronic device and the mobile communication terminal."⁵ The record, however, lacks any prior art evidence upon which to base such a conclusion, where unsupported Examiner conclusions are clearly not evidence. See *In re Lee*, 277 F.3d 1338, 1343-44, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). As the minimum requirements have not been met, it is clear that the rejection is actually based on nothing more than an attempt to show that the various parts of the claimed combination were "known" and to add an unsupported conclusion as the required showing of motivation. Such an approach is in clear violation of *Lee* and *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-1458 (Fed. Cir. 1998). Thus, it is respectfully submitted that independent Claims 24, 30, and 43 (and Claims 25-29 and 31-42 dependent therefrom) are patentable over any combination of Chennakeshu, Raith, and Lappe.

⁴ Lappe, page 1, paragraph 15.

⁵ See e.g. outstanding Office Action at page 7, lines 1-3.

With regard to the rejection of Claims 29 and 31 as unpatentable over Chennakeshu in view of Raith and further in view of Chen, that rejection is also respectfully traversed. Chen discloses a configuration for disconnecting a communication link in response to detection of a non-transmission data state. Chen has nothing to do with the invention of Claims 29 or 31, wherein a communication link is disconnected when the mobile communication terminal fails to receive packets from the car mounted electronic device. Accordingly, Chen fails to teach or suggest a “mobile communication terminal” as recited in Claims 29 and 31. As Chen does not cure the deficiencies of Chennakeshu and Raith as described above with respect to independent Claims 24 and 30, Claims 29 and 31 are believed to be patentable over any combination of Chennakeshu, Raith, and Chen.

With regard to the rejections of Claims 34-36 as unpatentable over Chennakeshu in view of Raith and further in view of Witkowski, that rejection is also respectfully traversed. Witkowski is directed to a wireless communication system and method for transmitting information between two or more electronic devices.⁶ It is respectfully submitted that Witkowski does not cure the deficiencies of Chennakeshu and Raith as described above with respect to independent Claim 30. Thus, Claims 34-36 are believed to be patentable over any combination of Chennakeshu, Raith, and Witkowski.

With regard to the rejections of Claims 37, 38, 41, and 42 as unpatentable over Chennakeshu, Raith, and Witkowski in view of Levi, that rejection is also respectfully traversed. Levi is directed to a device for controlling accessory devices based on the detection of transmissions of appropriate input frequency exceeding a minimum threshold amplitude from a nearby cellular telephone.⁷ It is respectfully submitted that Levi does not cure the deficiencies of Chennakeshu, Raith, and Witkowski as described above with respect

⁶ Witkowski, page 2, paragraph 14.

⁷ See Levi, column 2, lines 48-63

to independent Claim 30. Thus, Claims 37, 38, 41, and 42 are believed to be patentable over any combination of Chennakeshu, Raith, Witkowski, and Levi.

With regard to the rejections of Claim 40 as unpatentable over Chennakeshu and Raith in view of Garnault, that rejection is also respectfully traversed. Garnault is directed to a device for unlocking the trunk or doors of a motor vehicle in response to a signal received from a transponder outside the vehicle.⁸ It is respectfully submitted that Garnault does not cure the deficiencies of Chennakeshu and Raith as described above with respect to independent Claim 30. Thus, Claim 40 is believed to be patentable over any combination of Chennakeshu, Raith, and Garnault.

To the extent that the cited references are relevant to new Claims 44-62, the following remarks are respectfully submitted for the Examiner's consideration.

As described above, Chennakeshu describes a radio telephone that includes a base unit mounted within the vehicle, a control unit disposed in the vehicle separate from the base unit, and a local area network for establishing a communication link between the base unit and the control unit.⁹ As shown in Figure 3 of Chennakeshu, the control unit 40 includes control logic 52 that "controls the operation of the control unit 40 according to instructions stored in its internal memory."¹⁰ The outstanding Office Action on page 7, lines 15-17 appears to equate the control unit 40 of Chennakeshu with the car mounted electronic device of the claimed invention, stating "[w]herein the control unit or car mounted electronic device comprise control logic for handling operations such as audio conversion."

Applicant respectfully submits that the control unit of Chennakeshu is not equivalent to the car mounted electronic device of the claimed invention. The control unit in Chennakeshu includes a keypad, display, microphone, and speaker, which merely serve as

⁸See Garnault, column 3, lines 51-60 and column 4, lines 27-29.

⁹Chennakeshu, column 2, lines 8-15.

¹⁰Chennakeshu, column 4, lines 55-59.

interface elements between the user and the base unit.¹¹ Therefore, the control logic cited in the outstanding Office Action on page 7, line 15, simply controls the operation of the control unit to provide an interface between the user and the base unit. Conversely, the car mounted electronic device of the claimed invention provides an “output specific to the car mounted electronic device.” As described in the Applicant’s specification on page 6, lines 12-25, two non-limiting examples of an output specific to the car mounted electronic device include music reproduced from a radio reception program or a CD and a map displayed at a display section.

Therefore, Chennakeshu does not teach or suggest the mobile communication terminal of new Claim 44 including “an information transfer section configured to transmit a control signal to the car mounted electronic device, wherein the control signal includes a restraining command instructing the car mounted electronic device to restrain an output specific to the car mounted electronic device.” Likewise, Chennakeshu does not teach or suggest the car mounted electronic device of new Claim 50 including “a mute control section configured to restrain an output of information specific to the car mounted electronic device based on a restraining command received from the mobile communication terminal.”

Further, Chennakeshu teaches away from the claimed invention. New Claim 44 recites “a restraining command instructing the car mounted electronic device to restrain an output specific to the car mounted electronic device,” and new Claim 50 recites “a mute control section configured to restrain an output of information specific to the car mounted electronic device.” In Chennakeshu, the control unit controls the interface between the user and the base unit, and therefore restraining an output specific to the control unit would mean restraining or limiting the interface between the user and the control unit.

¹¹ Chennakeshu, column 4, lines 40-45.

Raith is directed to a mobile station including a proximity detector that informs the mobile station when it is near a proximity system.¹² As discussed above, Lappe is directed to a motor vehicle wireless telephone system including a wireless telephone, and a vehicle equipped with a transceiver for communication with a radio network over a wireless communication channel.¹³ Neither Raith nor Lappe cure the deficiencies of Chennakeshu as described above with respect to new independent Claims 44 and 50.

Therefore, Applicant respectfully submits that Chennakeshu, Raith, and Lappe, either alone or in any proper combination, fail to teach or suggest the above-identified features of new independent Claims 44 and 50. Further, since Claims 45-49 and 51-62 depend from independent Claims 44 and 50, Applicant also respectfully submits that Chennakeshu, Raith, and Lappe, either alone or in any proper combination, fail to teach or suggest the features of dependent Claims 45-49 and 51-62.

Moreover, as described above, Chennakeshu and Raith, either alone or in any proper combination, fail to teach or suggest “an information transfer section configured to transmit a control signal to the car mounted electronic device, wherein the control signal includes a restraining command instructing the car mounted electronic device to restrain an output specific to the car mounted electronic device,” as recited in new Claim 44, and the “mute control section configured to restrain an output of information specific to the car mounted electronic device based on a restraining command received from the mobile communication terminal,” as recited in new Claim 50. Chen also fails to teach or suggest these features of new Claims 44 and 50.

Therefore, since Chen fails to cure the deficiencies of Chennakeshu and Raith with respect to independent Claims 44 and 50, Applicant respectfully submits that Chennakeshu,

¹² Raith, column 3, lines 5-16.

¹³ Lappe, page 1, paragraph 15.

Raith, and Chen, either alone or in any proper combination, fail to teach or suggest the features of independent Claims 44 and 50 and Claims 45-49 and 51-62 depending therefrom.

Witkowski is directed to a wireless communication system and method for transmitting information between two or more electronic devices.¹⁴ In Witkowski, a transceiver is integrated into a first electronic device and a second transceiver is disposed within a motor vehicle. The electronic device may be a notebook computer, a hand-held PDA, a cellular phone, a pager, or any other portable or electronic component, and the vehicle typically includes an audio system and a display system.¹⁵

However, Witkowski, similar to Chennakeshu and Raith, fails to teach or suggest the car mounted electronic device of new Claim 50 including “a mute control section configured to restrain an output of the information specific to the car mounted electronic device in response to a restraining command received from the mobile communication terminal.”

Therefore, Applicant respectfully submits that Chennakeshu, Raith, and Witkowski, either alone or in any proper combination, fail to teach or suggest the features of new Claim 50 and Claims 51-62 depending therefrom.

Levi is directed to a device for controlling accessory devices based on the detection of transmissions of appropriate input frequency exceeding a minimum threshold amplitude from a nearby cellular telephone. Levi states “the present invention can be used to mute the audio output of an automobile radio when a cellular telephone is in use in the car.”¹⁶

However, the cellular telephone detected in Levi is not communicating with the cellular telephone activity detector. The cellular telephone activity detector is simply detecting when a cellular telephone in close proximity to the detector is communicating with an outside device. Levi does not teach or suggest a control signal transmitted from the cellular telephone to the cellular telephone activity detector. Therefore, Levi fails to teach or

¹⁴ Witkowski, page 2, paragraph 14.

¹⁵ Witkowski, page 4, paragraphs 42-43.

¹⁶ Levi, column 3, lines 65-67.

suggest muting an audio output of an automobile based on a control signal including a restraining command received from the cellular telephone.

Therefore, Applicant respectfully submits that Chennakeshu, Raith, Witkowski, and Levi, either alone or in any proper combination, fail to teach or suggest the features of new Claim 50 and Claims 51-62 depending therefrom.

As described above, Chennakeshu and Raith, either alone or in any proper combination, fail to teach or suggest the "mute control section configured to restrain an output of information specific to the car mounted electronic device based on a restraining command received from the mobile communication terminal," as recited in new Claim 50. Garnault also fails to teach or suggest this feature of new Claim 50.

Therefore, Applicant respectfully submits that Chennakeshu, Raith, and Garnault, either alone or in any proper combination, fail to teach or suggest the features of new Claim 50 and Claims 51-62 depending therefrom.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding in this application, and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

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